

Exhibit E

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ROUTINE

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NAVADMIN 248/16

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SUBJ/INTERIM GUIDANCE FOR SERVICE OF TRANSGENDER NAVY PERSONNEL//

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REF/H/DOC/BUPERS/7SEP17//

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NARR/REF A IS DODI 1300.28, IN-SERVICE TRANSITION FOR TRANSGENDER SERVICE MEMBERS. REF B IS SECDEF DTM 16-005, DIRECTIVE-TYPE MEMORANDUM (DTM) 16-005, MILITARY SERVICE OF TRANSGENDER SERVICE MEMBERS. REF C IS ALNAV 053/16, SERVICE OF TRANSGENDER SAILORS AND MARINES INTERIM GUIDANCE. REF D IS SECNAVINST 1000.11, SERVICE OF TRANSGENDER SAILORS AND MARINES. REF E IS BUMEDNOTE 6000, MEDICAL TREATMENT OF TRANSGENDER SERVICE MEMBERS INTERIM GUIDANCE. REF F IS MILPERSMAN 1000-131, MEMBER GENDER MARKER CHANGE PROCEDURES. REF G IS RESPERSMAN 6000-010, SELECTED RESERVE MEDICAL. REF H IS BUPERSINST 1001.39F, ADMINISTRATIVE PROCEDURES FOR NAVY RESERVISTS. REF I, DODI 1322.22, SERVICE ACADEMIES.//

RMKS/1. The Secretary of Defense announced in references (a) and (b) that the Armed Forces will allow transgender Service Members to serve in the military. Consistent with that announcement and references (c) and (d), this NAVADMIN provides interim guidance for policy, regulations and procedures related to the service of transgender Navy personnel. This policy applies to all Navy military personnel. Questions on Department of the Navy (DON) transgender civilian personnel shall be referred to the DON Office of Civilian Human Resources and/or the DON Office of the General Counsel, and questions on transgender civilian contractors serving with the Navy should be referred to the Contracting Officers Representative.

2. Service

a. Consistent with references (a) through (d), transgender individuals shall be allowed to serve openly in the Navy.

Department of Defense (DoD), DON, and Navy policies applicable to all active component (AC) and reserve component (RC) are premised on the conclusion that transgender persons are fully qualified and are subject to the same standards and procedures as other Service Members with regard to their medical fitness for duty, physical fitness, uniform and grooming standards, deployability, and retention.

b. No otherwise qualified Service Member may be involuntarily separated, discharged, or denied reenlistment or continuation of service solely on the basis of gender identity or an expressed intent to transition gender.

c. A Service Member whose ability to serve is adversely impacted by a medical condition or medical treatment related to gender identity should be treated, for purposes of separation and retention, in a manner consistent with a Service Member whose ability to serve is similarly affected for reasons unrelated to gender identity or gender transition.

3. Timeline

a. 1 October 2016: Military personnel may transition gender as directed in references (a) through (d) and policy herein.

b. 1 November 2016: U.S. Fleet Forces Command (USFF) will commence transgender training. A DoD handbook to help commands and members in understanding the gender transition process will be included with Navy training materials. Details have been announced in separate correspondence in Guidance for Transgender Military Service, Message 1, NAVADMIN 203/16 and in a series of NAVADMINs released by USFF dated 231945Z SEP 16, 042025Z OCT 16, 281725Z OCT 16 and 311241Z OCT 16.

c. 31 January 2017: Transgender training for all AC Service Members is complete.

d. 30 April 2017: Transgender training for all RC Service Members is complete.

e. 1 July 2017: Transgender applicants who meet updated accession standards may be accessed into the U.S. Armed Services as directed by reference (b).

4. In-Service Transition

a. A key element of In-Service gender transitions is a commanding officer (CO) approved transition plan, which includes the individual Service Members medical treatment plan (as developed with a military medical provider (MMP)), accounts for the desires of the individual, and considers the operational requirements of the command. Transition medical treatment differs for each individual and may include any or all of the following: behavioral health counseling, cross-sex hormone therapy, surgery, and real-life experience.

b. Starting Gender Transition. Gender transition begins when a Service Member on active duty receives a diagnosis from a MMP indicating that gender transition is medically necessary, develops a medical treatment plan in concert with his or her MMP, coordinates with the responsible Transgender Care Team as directed in reference (e), and requests CO approval of the timing of medical treatment associated with gender transition. The timing of the medical treatment plan will be incorporated into the Service Members overall gender transition plan developed in coordination with the MMP, the Service Member, and the CO. The CO is the final approval authority for the transition plan. Timing of the various aspects of the medical treatment plan should consider the individuals planned rotation date (PRD), deployment or other operational schedules, and potential impact on major career milestones, whenever possible.

Cases evaluated by the MMP as requiring immediate medical treatment should be handled consistent with any other emergent medical situation, of which the outcome may require transfer to a limited duty status and result in an unplanned loss to the command.

c. COs Action on the Request. The CO, informed by the MMPs recommendations, the Navy Service Central Coordination Cell (SCCC), and

others, as appropriate, will respond to a gender transition request within a framework that ensures readiness by minimizing impacts to the mission (including deployment, operational, training, exercise schedules, and critical skills availability), as well as to the morale, welfare, and good order and discipline of the command.

As directed by reference (a) and this NAVADMIN, the CO will:

(1) Promptly respond to any request for medical care, as identified by the MMP, and ensure that such care is provided consistent with applicable regulations.

(2) Respond to any request for medical treatment or an Exception to Policy (ETP) associated with gender transition, as soon as practicable, but not later than 90 days after receiving a request determined to be complete as directed by reference (a) and this NAVADMIN. A request that, upon review by the CO, is determined to be incomplete, will be returned to the Service Member, with written notice of the deficiencies identified, as soon as practicable, but not later than 30 days after receipt.

(a) For complete medical treatment requests, the CO will include notice of any COs actions taken and provide a written copy to the Service Member and MMP.

(b) In the case of a complete ETP request seeking a service policy waiver under paragraph 4h of this NAVADMIN, the CO will provide a written endorsement with recommendation and route via the first flag officer in the chain of command to Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education (DCNO N1)).

d. Real-Life Experience (RLE). RLE is the phase in the gender transition process during which the individual commences living socially in the gender role consistent with his or her preferred gender. For Service Members, this will normally occur only in an off-duty status, prior to the change of their gender marker in the Navy Personnel Administrative Systems/Defense Enrollment Eligibility Reporting (DEERS) and according to their CO-approved transition plan. Maintaining good order and discipline is expected at all times.

(1) Service Members will be considered to be in an on-duty status at official functions, either on base or off, subject to the discretion of their CO.

(2) The following are examples of situations where RLE may occur, each with its own considerations or restrictions:

(a) Foreign Locations. Commands need to be cognizant of host-nation laws and social norms when considering RLE in an off-duty status in foreign nations. Travel warnings, the State Departments country-specific website, the DoD Foreign Clearance Guide, and any U.S. regional military commander directives should be reviewed and heeded.

(b) Stationed in United States, Shipboard. When a Service Member is onboard ship, they are considered in an on-duty status, even after working hours. As directed by reference (a), RLE takes place away from the working environment. As part of the approved transition plan, COs may allow for embarkation and debarkation from the ship in RLE attire for Sailors going on liberty to commence after-hours RLE.

(c) Stationed in United States, Shore Based. When a Service Member is stationed at a shore facility, they will execute RLE away from the workplace.

e. Completing Transition. The transition plan is considered complete when the MMP documents that the Service Member has completed the medically-necessary care to achieve stability as outlined in the medical treatment plan, the Service Member obtains appropriate documentation pursuant to section 4f below, the CO provides written permission to change the gender marker in the Navy Personnel Administrative Systems/DEERS, the Service Member submits for the gender marker change, and the gender marker is changed in the Navy Personnel Administrative Systems/DEERS.

f. Documentary Evidence Requirement. Service Members are responsible for obtaining one of the following federal or state legal documents as legal proof of gender change. No documents other than (1) through (3) below are acceptable:

(1) A certified true copy of a State birth certificate reflecting the Service Members preferred gender.

(2) A certified true copy of a court order reflecting the Service Members preferred gender.

(3) A U.S. passport reflecting the Service Members preferred gender.

g. Obtaining the Gender Marker Change in the Navy Personnel Administrative Systems/DEERS. Service Members shall submit the required documentation and the COs written approval, as directed by reference (f), to Navy Personnel Command. Once the gender marker is changed in the Navy Personnel Administrative Systems/DEERS, the Navy will recognize the Service Member in the preferred gender, to include assignment of berthing, and applicability of all standards, to include physical readiness, grooming and uniform regulations, at all times.

h. ETP During Transition. Service Members shall comply with all standards of the gender marker currently in the Navy Personnel Administrative Systems/DEERS. Service Members and COs may request ETP via the first flag officer in the chain of command to DCNO (N1) for any service policy waivers as part of the approved transition plan as directed in references (a) and (d), when it is in the best interest of the individual and as it makes sense for good order and discipline within the command. Examples of ETPs requiring DCNO (N1) approval prior to completion of the gender marker change in the Navy Personnel Administrative Systems/DEERS include: grooming, uniform and appearance standards, change of berthing, head and shower facilities, and urinalysis observation. Physical readiness testing, body composition assessment standards or deployability determinations require medical waivers, not ETPs. COs may contact the SCCC with questions regarding ETPs.

5. Navy Policy

a. All Service Members will continue to treat each other with dignity and respect. There is zero tolerance for harassing, hazing, or bullying in any form.

b. The following policy changes apply now and will be reflected in updates to the listed instructions currently in staffing:

(1) Privacy considerations in berthing and shower facilities are being incorporated into the Standard Organization Regulations of the U.S. Navy, OPNAVINST 3120.32D:

(a) Berthing

1. COs are expected to implement appropriate policies that ensure privacy protection of individual Sailors out of courtesy to all as the tactical situation allows in order to maintain good order and discipline.

2. No person will sleep fully unclothed. Clothing items considered to be appropriate sleepwear include: undergarments, PT/gym shorts and shirts, pajamas and sweat suits.

3. No person will transit through spaces unclothed. Sailors shall maintain a minimum standard of coverage out of courtesy to all, for personal privacy and to foster good order and discipline.

(b) Crews Heads and Washrooms. No person will transit through spaces unclothed. Sailors shall maintain a minimum standard of coverage out of courtesy to all, for personal privacy and to foster good order and discipline. Clothing items considered to be appropriate include: shirt, shorts, robe or PT gear. If a robe is worn, appropriate garments shall be worn underneath.

(2) Navy Alcohol and Drug Abuse Prevention and Control Program, OPNAVINST 5350.4D, requires that all Service Members be subject to urinalysis and that an observer be of the same gender as the observed Service Member during urinalysis. Language will be incorporated into the updated instruction to adjust for the comfort level of the observer and the Service Member being observed. The integrity of the urinalysis program will be maintained at all times.

Service Members are required to adhere to urinalysis policies and procedures when selected to observe. COs shall ensure dignity and respect is maintained for Service Members selected to provide a sample as well as for observers. COs have the discretionary authority to assign observers in order to preserve the dignity and respect of both parties.

(3) Physical Readiness Program, OPNAVINST 6110.1J, delineates fitness standards for male and female Service Members. There are no separate or distinct standards for transgender Service Members.

Service Members and MMPs must carefully consider the time required to adjust to new physical fitness assessment (PFA) standards as part of the medical treatment and transition planning process.

(a) Service Members must adhere to applicable fitness program standards commensurate with the gender marker currently reflected in DEERS.

(b) Upon gender marker change in the Navy Personnel Administrative Systems/DEERS, Sailors will be required to meet the PFA standards of their preferred gender.

(c) The MMP may determine if a medical waiver is required/justified for the body composition assessment and PFA during and upon completion of transition, consistent with OPNAVINST 6110.1J.

(4) Military Equal Opportunity Policy, OPNAVINST 5354.1F, is being updated to clarify that discrimination based on gender identity is a form of sex discrimination.

c. Facilities. Service Members will use gender-specific berthing, head, and shower facilities according to the gender reflected in Navy Personnel Administrative Systems/DEERS.

d. Assignments

(1) All Service Members are world-wide assignable as their medical fitness for duty permits. Timing of a transition plan should include consideration of a Sailors PRD and planned deployment/operational requirements. When possible, Service Members will normally attempt to finalize transition during one tour to avoid interrupting medical treatment and having to coordinate a new transition plan at the next command, where operational requirements may be different.

(2) The Navy will detail Service Members in accordance with their gender marker recorded in the Navy Personnel Administrative Systems/DEERS.

(3) Community assignment restrictions will be in accordance with the Navys Bureau of Medicines (BUMED) current assessment of disqualifying medical statuses. Individuals undergoing medical or surgical treatment may be restricted from flight duty and diving operations and the Personnel Reliability Program if medically appropriate. Case specific questions should be discussed with the Navy SCCC medical experts.

e. Security Clearances. Any change in a Service Members status (e.g., marriage, divorce, addition of dependents) is reportable to the command security manager in order to maintain a national security clearance. This includes changes to name and gender. A Standard Form 86 Certification (SF 86C) allows reporting of changes in previously reported information on the Questionnaire for National Security Positions (SF 86).

6. Reserve Component (RC). All DoD and Navy policies regarding accessing and retaining transgender personnel are applicable to both AC and RC Service Members. Full-Time Support personnel will follow the policy and procedures as described in the preceding paragraphs.

The following additional guidance applies to Selected Reserves (SELRES).

a. Reporting Requirement. Gender transition begins when a Service Member receives a diagnosis indicating that gender transition is medically necessary. The diagnosis must be reported and submitted along with relevant medical information to their Navy Reserve Activity (NRA) Medical Department Representative, in addition to informing their reserve unit leadership.

b. Manpower Availability Status (MAS) Codes. Once the NRA CO receives a gender transition request, the Service Member initially becomes Temporarily Not Physically Qualified (TNPQ) and the temporarily not physically qualified for mobilization (MPQ) MAS codes will be applied to the Service Member as directed by reference (g). This appropriately identifies the member as having a medical condition and supports documentation of readiness in the same manner as other medical conditions. The Service Members mobilization status will be reviewed monthly to determine whether they are physically qualified for mobilization during their transition. The MPQ MAS code indicates the Service Member is awaiting validation of the diagnosis and treatment plan and precludes mobilization.

c. Medical Diagnosis and Treatment Plan. The medical diagnosis and treatment plan will normally be provided by a civilian medical provider, but must be forwarded for validation to the BUMED Medical Support Cell that services the Navy SCCC. Once the diagnosis is confirmed and medical

treatment plan is finalized, a transition plan can be developed. The NRA CO shall coordinate with the Navy Reserve Force Surgeon, the Reserve unit CO, and the Service Member to develop the plan. The NRA CO with administrative responsibility for mobilization readiness is the approval authority for SELRES transition plans.

d. Individual Medical Readiness (IMR). IMR status will be determined on a case-by-case basis as dictated by the transition plan. Generally, the MPQ MAS code will remain in effect until the reserve Service Members transition plan is completed, or if at any time during the transition a medical condition arises to warrant change in medical status. Transitioning Service Members may have periods of ineligibility for participation due to planned medical procedures and in accordance with the approved treatment plan, which shall be treated as directed in references (g) and (h). SELRES serving on active-duty orders (e.g., Active-Duty for Traing, Active-Duty for Special Work, mobilization, definite recall) for a finite period will generally be precluded from beginning the gender transition process.

7. Initial Entry Education/Training. As directed in reference (a), a blanket prohibition on gender transition during a Service Members initial term of service is not permissible. However, gender transitions will often not be sustainable during entry-level training due to the rigorous military requirements and schedule associated with such training.

a. Recruit Training Command. A Service Member is subject to separation in an entry-level status during the period of initial training (defined as 180 days per Enlisted Administrative Separations, DoDI 1332.14) based on a medical condition that impairs the Service Members ability to complete such training.

b. U.S. Naval Academy (USNA) and Reserve Officer Training Corps (ROTC). Midshipmen must continue to meet medical accession standards while at USNA or enrolled in ROTC. If Midshipmen do not maintain the standards for appointment into the U.S. Military Services, a one-year medical leave of absence (MLOA) may be warranted as determined by the Secretary of the Navy. When an MLOA is recommended, a medical record review will determine whether the health-related incapacity or condition presents clear evidence that, following medical treatment, the Midshipman will be able to meet the physical standards for appointment into the Navy within a reasonable period of time. USNA Midshipmen who cannot meet medical accession standards and become medically disqualified may be disenrolled as directed by reference (i). Midshipmen who desire to begin a gender transition while in the ROTC Program or at USNA will be evaluated under the same terms and conditions applicable to Midshipmen in comparable circumstances not related to transgender persons or gender transition. This will be based on a determination there is a medical condition that impairs the individuals ability to complete such training or to access into the Armed Forces. Each situation is unique and will be evaluated based on its individual circumstances.

8. Medical. BUMED issued guidance in reference (e) on the provision of necessary medical care and treatment of transgender Service Members. BUMED established Regional Transgender Care Teams (TGCT) staffed at select military treatment facilities to facilitate the appropriate diagnosis and referral of transgender personnel to necessary specialists, ensuring the most effective treatment plans. TGCT staff will act as consultants and advisors to any military health providers who seek consultation regarding a Service Member seeking transgender related care.

9. Resources

a. COs with questions or concerns may contact the Navy SCCC through Navy 311 at: Navy311(at)navy.mil or (855) 628-9311 or <http://www.navy311.navy.mil>. The SCCC may also be contacted directly via email at: [usn_navy_sccc\(at\)navy.mil](mailto:usn_navy_sccc(at)navy.mil)

b. Service Members who desire to transition or are presently transitioning should work with their medical provider and chain of command before contacting the SCCC.

c. The COs toolkit and additional resources may be found on the Navy

Personnel Command web site under

<http://www.public.navy.mil/bupers->

[npc/support/21st_Century_Sailor/lgbt/Pages/default.aspx](http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/lgbt/Pages/default.aspx)

d. DoD has created a webpage located at

http://www.defense.gov/News/Special-Reports/0616_transgender-policy

where Service Members can find a copy of the references (a) and (b) and the DoD Handbook. The website also has information to support commands, members, and medical personnel. Through a Common Access Card - enabled link, Service Members and commands may submit questions to the DoD SCCC at

<https://ra.sp.pentagon.mil/DoDCCC/sitepages/homepage.aspx>.

10. Marines embarked on Navy Vessels are subject to Navy policy as outlined in this NAVADMIN.

11. This NAVADMIN remains in effect until superseded or cancelled, whichever comes first.

12. Released by Vice Admiral R. P. Burke, N1.//

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